

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Ikechi Kallys Albert,

Civil No. 06-3672 (PAM/JSM)

Plaintiff,

v.

**ORDER**

Dakota Communities, Inc.; Kevin  
Hondl; Lori Kingston; Lisa Math;  
and Elizabeth Warner;

Defendants.

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This matter is before the Court on Defendants' Motion to Quash Subpoena. Plaintiff has subpoenaed the testimony of an employee of Defendant Dakota Communities, seeking the attendance of that witness at the summary judgment hearing scheduled for Thursday, February 21, 2008. Discovery in this matter closed August 1, 2007. The witness whose attendance Plaintiff seeks to compel has not been deposed previously in this matter. It is inappropriate and contrary to the Federal Rules of Civil Procedure to attempt to present new evidence at a summary judgment hearing.

Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Quash Subpoena (Docket No. 109) is **GRANTED**.

Dated: February 14, 2008

s/Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge